IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 29296 of 2007(K)

PETITIONER:

SARAMMA KUNJUKUNJU, AGED 68 YEARS,
W/O.LATE M.KUNJUKUNJU, CHARUVILA PUTHEN VEEDU,
PULAMON P.O., KOTTARAKKARA.

BY ADV. SMT.AYSHA YOUSEFF
SMT.MOLLY JACOB
SRI.M.KABANI DINESH

RESPONDENTS:
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1. DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM.

2. SUPERINTENDENT OF POLICE,
KOLLAM.

3. SUB INSPECTOR OF POLICE,
KOTTARAKKARA.

4. CELINE ALEX, W/O.LATE C.K.ALEX,
ALEX BHAVAN, KOTTAPPURAM, PULAMON P.O.,
KOTTARAKKARA.

5. C.Y.JOHNY, SANTHOSH BHAVAN,
KARICKOM P.O., KOTTARAKKARA.

BY ADV. SRI.R.ARUN RAJ --- R4
SRI.SAJU J.VALLYARA --- R5
GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 29296/2007 K

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER DT. 4/08/04 IN G.W.O.P. 74/2000 OF THE LOK ADALAT.

EXT.P2. COPY OF THE FIR IN CRIME NO. 670/07 OF KOTTARAKKARA POLICE STATION.

EXT.P3. COPY OF THE REPRESENTATION BY THE PETITIONER BEFORE THE WOMENS COMMISSION, THIRUVANANTHAPURAM.

EXT.P4. COPY OF THE REPRESENTATION BY THE PETITIONER BEFORE THE R2.

RESPONDENT'S EXHIBITS

EXT.R4A. COPY OF THE DISCHARGE CERTIFICTE FROM THE TALUK HOSPITAL, KOTTARAKKARA DT. 10/09/2007 TO THE PETITIONER.

EXT.R4B. COPY OF THE FIR IN CRIME NO. 671/2007 KOTTARAKKARA POLICE STATION.

EXT.R4C. COPY OF THE REPRESENTATION BY THE PETITIONER BEFORE THE SUPERINTENDENT OF POLICE, KOLLAM.

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K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.29296 of 2007-K

Judgment

Balakrishnan Nair, J.

The petitioner has approached this Court, alleging that respondents 4 and 5 are threatening her. She apprehends danger to her life from them. The 4th respondent is the widow of her late son. The 5th respondent was an employee of the late husband of the 4th respondent. With the assistance of the 5th respondent, the 4th respondent is threatening and harassing the petitioner. The 4th respondent wanted to transfer the properties inherited by her in which her minor children have also rights. At the intervention of the petitioner, the same was prevented. This will be evident form Ext.P1 order of the Lok Adalat dated 14.08.2004. Eversince the said order, the 4th respondent is harbouring illwill towards her. The petitioner was attacked by the said respondent on 08.09.2007 which led to the registration of Ext.P2 crime. Thereafter, the petitioner filed Ext.P3 representation before the Women's Commission and Ext.P4 representation before the Superintendent of Police, Kollam, highlighting her grievances. Since the Police are not extending any protection to her life,

this Writ Petition is filed, seeking appropriate reliefs.

2. The 4th respondent has filed a counter affidavit, denying all the allegations of the petitioner. She submits, she is apprehending danger to her life from the part of the petitioner and her elder son, who is having criminal background. The 4th respondent was attacked by the petitioner and as a result, a crime has been registered against the petitioner as per Ext.R4(b) on 08.09.2007, it is submitted. The 5th respondent has also filed a counter affidavit denying the allegations against him. The learned Government Pleader upon instruction submitted that the dispute between the petitioner and the 4th respondent is a family dispute and there is no law and order problem in the area, warranting interference by the Police.

3. The learned counsel for the petitioner reiterates his submissions and prays for police protection as prayed for in the Writ Petition. Having regard to the nature of the dispute, we feel that this Court should not issue any direction to the Police to stand guard for the petitioner against the possible attacks from respondents 4 and 5. From the facts disclosed, the said apprehension appears to be unfounded. The parties may move the competent civil/criminal court to redress their grievances. But, needless to say, if any cognizable offence is

reported from either side, the Police shall take appropriate action in accordance with law.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE

25.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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